

2005 DRAFTING REQUEST

Senate Amendment (SA-AB461)

Received: **03/07/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Katie Mnuk**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Gambling - Indian gaming**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit governor from approving casino on off-reservation land in municipality with population greater than 30,000

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rryan 03/08/2006	jdye 03/08/2006	rschluet 03/08/2006	_____	lnorthro 03/08/2006	lnorthro 03/08/2006	

FE Sent For:

<END>

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/?	rryan	1 3/8 jcd	99				

FE Sent For:

<END>

Ryan, Robin

From: Mnuk, Katie
Sent: Tuesday, March 07, 2006 12:04 PM
To: Ryan, Robin
Subject: Requesting amendments to AB 461

Robin, this is a follow-up to my voice mail message, requesting 4 amendments to AB 461. They are:

1. Require approval of the host local government (city, village or town) for the proposed off-reservation facility.
2. Require a historical connection between the proposing tribe and the proposed site of the facility.
3. Prohibit siting off-reservation gaming facilities in a community with a population of more than 30,000. *a 27th*
4. Amend the bill to stipulate that AB 461 does not apply to any off-reservation gaming sites currently authorized in any existing compacts.

Thank you in advance for your assistance, and please let me know if you have any questions regarding these provisions. I want to also alert you that there's a possibility that this bill could be considered by the Senate on Thursday.

Thanks again--

Katie Mnuk

Katie Mnuk
Chief of Staff
Ofc. of Sen. Ron Brown
office: (608) 266-8546
toll-free: (877) 763-6636



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2740/2

RLR:.....

COBAY

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,
TO 2005 ASSEMBLY BILL 461

RMK

DN

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2 delete lines 2 ^{and} 3 and substitute:

3 **"14.037 Legislative approval of Indian gaming on lands taken into**
4 **trust after October 17, 1988. (1)** In this section, "municipality" means a city,
5 village, or town.

6 **(2)** The governor may not concur with a determination of the".

7 **2.** Page 2, line 9: after "resolution" insert "and the population of the
8 municipality in which the gaming establishment is proposed to be located does not
9 exceed 30,000".

10 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2740/1dn

RLR:.....

JL

Katie:

As we discussed, federal law controls Indian gaming. Federal law prohibits Indian gaming on land acquired in trust for an Indian tribe after October 1988 (off-reservation land). However, federal law provides an exception to the prohibition if the Secretary of the Interior determines that a gaming establishment on off-reservation land would be in the best interest of the tribe and would not be detrimental to the surrounding community, and if the governor concurs in the determination.

If a court determines that a state-law condition on the governors' authority to concur interferes with the federal-law scheme for approving a gaming establishment on off-reservation land, the court could declare the condition invalid. A court may find that this amendment impermissibly interferes with the federal-law scheme because it prohibits the governor from making a decision (approving an off-reservation casino in a municipality with population exceeding 30,000) that federal law provides the governor authority to make. Perhaps you could instead require the governor to consider the population of the municipality when determining whether to concur, though a casino proponent would argue that the larger the population, the less detrimental the impact a casino would have on a community.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2740/1dn
RLR:jld:rs

March 8, 2006

Katie:

As we discussed, federal law controls Indian gaming. Federal law prohibits Indian gaming on land acquired in trust for an Indian tribe after October 1988 (off-reservation land). However, federal law provides an exception to the prohibition if the Secretary of the Interior determines that a gaming establishment on off-reservation land would be in the best interest of the tribe and would not be detrimental to the surrounding community, and if the governor concurs in the determination.

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Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Kraft, Becky

From: Kraft, Becky
Sent: Tuesday, April 25, 2006 11:54 AM
To: Sen.Brown
Cc: Duerkop, Nathan
Subject: Requested PDF's to AB 461

Attachments: 05a2736/1; 05a2740/1; 05a2757/2



05a27361.pdf (10 KB)



05a27401.pdf (10 KB)



05a27572.pdf (10 KB)